



MINUTES

SAN RAFAEL CITY COUNCIL – MONDAY, JUNE 6, 2022

REGULAR MEETING AT 7:00 P.M.

In-Person:

San Rafael City Council Chambers
1400 Fifth Avenue, San Rafael, CA 94901

Participate Virtually:

Watch on Zoom Webinar: <https://tinyurl.com/cc-2022-06-06>

Watch on YouTube: www.youtube.com/cityofsanrafael

Listen by phone: (669) 900-9128

ID: 817-3692-0337#

One Tap Mobile: US: +16699009128,,81736920337#

CORONAVIRUS (COVID-19) ADVISORY NOTICE

In response to Assembly Bill 361, the City of San Rafael is offering teleconference without complying with the procedural requirements of Government Code section 54953(b)(3). This meeting will be held in-person, virtually using Zoom and is being streamed to YouTube at www.youtube.com/cityofsanrafael.

How to participate in the meeting in-person:

- Stay home if you are experiencing COVID-19 symptoms
- Face coverings are recommended for attendees
- Use the sign-in sheet (optional) which allows notification of potentially exposed individuals if contact tracing reveals COVID-19 transmission may have occurred in a given meeting
- Attendance will be limited to 50 percent of room capacity (no more than 90 persons) and all in-person attendees should socially distance as recommended by public health authorities. If the Chambers are 50% occupied, please participate online instead or utilize the audio feed in the lobby.
- All attendees are encouraged to be fully vaccinated.

How to participate in the meeting virtually:

- Submit public comment in writing before 4:00 p.m. the day of the meeting to city.clerk@cityofsanrafael.org.
- Join the Zoom webinar and use the 'raise hand' feature to provide verbal public comment.
- Dial-in to Zoom's telephone number using the meeting ID and provide verbal public comment.

Any member of the public who needs accommodations should contact the City Clerk (email city.clerk@cityofsanrafael.org or phone at 415-485-3066) who will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

Present: Mayor Kate
Vice Mayor Kertz
Councilmember Bushey
Councilmember Hill
Councilmember Llorens Gulati

Absent: None

Also Present: City Manager Jim Schutz

OPEN SESSION – THIRD FLOOR CONFERENCE ROOM, CITY HALL – 6:00 PM

Dial-in: (669) 900-9128, Meeting ID: 919-8305-6599#

1. Mayor Kate to announce Closed Session items.

CLOSED SESSION – THIRD FLOOR CONFERENCE ROOM, CITY HALL – 6:00 PM

2. Closed Session:
 - a. Conference with Legal Counsel - Anticipated Litigation
Significant Exposure to Litigation Pursuant to Government Code Sections 54956.9(d)(2) and (e)(3): 1 case
 - b. Conference with Legal Counsel - Anticipated Litigation
Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4): 1 case

Mayor Kate called the meeting to order at 7:00 p.m. and invited City Clerk Lindsay Lara to call the roll. All members of the City Council were present.

City Attorney Robert Epstein announced that no reportable action was taken on the first item in the Closed Session held prior to the meeting. Regarding the second item, four Councilmembers voted unanimously to initiate litigation. Councilmember Hill abstained from the vote.

Mayor Kate provided opening remarks, which included gratitude to City Staff, the ongoing gun violence plaguing our society, the two proclamations on tonight's agenda, a shout-out to all the school graduates and a land acknowledgment.

City Clerk Lindsay Lara informed the community that the in-person meeting would also be recorded and streamed live to YouTube and through Zoom, and members of the public would provide public comment either on the telephone or through Zoom. She explained the process for community participation on the telephone, through Zoom and in-person.

OPEN TIME FOR PUBLIC EXPRESSION

- Paul Kuhlman, Baypoint Lagoons Association, addressed the City Council regarding his recently formed working group to address the persistent deterioration of the lagoon shoreline, known as the upper and lower buffer zones.

CITY MANAGER'S REPORT:

3. City Manager's Report:

City Manager Jim Schutz announced:

- Joint Community Conversation with Mayor Kate to be held on Wednesday, June 8 at the San Rafael Community Center at 5:30 p.m.
- Small Business Development Center (SBDC) announced \$2,500 COVID-19 Relief Grants for businesses in Marin that made less than \$50,000 in 2019.
- Eviction Moratorium Update
- Employee Recognition Annual Event Recap

COUNCILMEMBER REPORTS:

(including AB 1234 Reports on Meetings and Conferences Attended at City Expense)

4. Councilmember Reports:

- Councilmember Kertz reported on the Marin Wildfire Prevention Authority, the City Employee Recognition luncheon, a homeless forum with Sam Tsemberis (Housing First), a Terra Linda High School site meeting, the Chamber of Commerce State of the City dinner, a meeting with the mayor of Mérida, a MCCMC Homelessness Committee meeting, a Marin County Commission on Aging meeting and the Vivalon groundbreaking event.
- Councilmember Hill reported on the City Employee Recognition luncheon, the Ritter House Under the Stars event, the State of the City dinner, a MCCMC Water Policy subcommittee meeting and the Vivalon groundbreaking event.
- Councilmember Bushey reported on the Vivalon groundbreaking event, San Rafael Sanitation Agency meetings, Central Marin Sanitation Agency meetings, parking modification proposals in the Montecito/Dominican area, the Loch Lomond Oversight Committee, the State of the City dinner and MCCMC Water Policy committee meetings.
- Councilmember Llorens Gulati reported on a Marin Clean Energy meeting, the State of the City dinner, a MCCMC Climate Action Committee meeting, a stakeholder committee meeting around the priorities for the Transportation Plan in the Canal, Supervisor Rodoni's East San Rafael Office Hours and a Canal Arts Projects meeting
- Mayor Kate reported on the Marin Gun Buy Back Program, Marin Transit meetings, a SMART meeting, a homeless conference with Built for Zero, the State of the City dinner and a meeting with Villa Real property owners.

Mayor Kate invited public comment on the City Manager's Report and the Councilmember Reports; however, there was none.

CONSENT CALENDAR:

Mayor Kate invited public comment.

Speaker: Paul Kuhlman

Councilmember Llorens Gulati moved and Councilmember Kertz seconded to approve the Consent Calendar.

5. Consent Calendar Items:

- a. **Approval of Minutes**
Approve Minutes of City Council / Successor Agency Regular Meeting of Monday, May 16, 2022 (CC)
Approved minutes as submitted
- b. **Use of Teleconferencing for Public Meetings During State of Emergency**
Resolution Pursuant to Assembly Bill 361 Making Findings and Confirming the Need for Continued Use of Teleconferencing to Hold Public Meetings of City Boards and Commissions During the Continuing State of Emergency Relating to the Covid-19 Pandemic (CA)
Resolution 15073 - Resolution Pursuant to Assembly Bill 361 Making Findings and Confirming the Need for Continued Use of Teleconferencing to Hold Public Meetings of City Boards and Commissions During the Continuing State of Emergency Relating to the Covid-19 Pandemic
- c. **Vacancies on San Rafael Boards and Commissions**
Announcement of Vacancies on the Public Art Review Board (CC)
Received and filed

- d. **Statement of Economic Interests Annual Filings**
Accept Report on Fair Political Practices Commission Form 700, Statement of Economic Interests, 2021 Annual Filings, For Section 87200 Filers and Designated Employees, Including Consultants, Design Review Board, and Park and Recreation Commission (CC)
Accepted Report
- e. **Proposing General Municipal Election 2022**
Resolution Calling and Giving Notice of By-District Elections for Districts 2/Western and 3/Eastern, and San Rafael Board of Education Trustee Area Elections for Areas 2 and 4, to be Held on November 8, 2022, Requesting the Marin County Board of Supervisors to Consolidate with Any Other Election Conducted on Said Date, and Requesting Election Services (CC)
Resolution 15074 - Resolution Calling and Giving Notice of By-District Elections for Districts 2/Western and 3/Eastern, and San Rafael Board of Education Trustee Area Elections for Areas 2 and 4, to be Held on November 8, 2022, Requesting the Marin County Board of Supervisors to Consolidate with Any Other Election Conducted on Said Date, and Requesting Election Services
- f. **Annual Adjustment to the Library Parcel Tax**
Report Concerning the Annual Consumer Price Index (CPI) Rate Adjustment for the Special Library Services Parcel Tax for the Fiscal Year July 1, 2022 Through June 30, 2023 as Specified in Voter-Approved Measure D (San Rafael Municipal Code Chapter 3.36) (AS/LR)
Accepted Report
- g. **Crime Analyst Services**
Resolution Authorizing the City Manager to Execute an Agreement for Crime Analysis Services with LexisNexis Risk Solutions, Inc., In an Amount of \$146,675, and Appropriating this Amount from the Safety Grant Fund to Support the Agreement (PD)
Resolution 15075 - Resolution Authorizing the City Manager to Execute an Agreement for Crime Analysis Services with LexisNexis Risk Solutions, Inc., In an Amount of \$146,675, and Appropriating this Amount from the Safety Grant Fund to Support the Agreement
- h. **Congestion Management Program**
Resolution Electing to be Exempt from the Marin County Congestion Management Program (PW)
Resolution 15076 - Resolution Electing to be Exempt from the Marin County Congestion Management Program
- i. **Grand Avenue Cycle Track Grant Funding Agreement**
Resolution Approving and Authorizing the City Manager to Execute a Funding Agreement with Association of Bay Area Governments ("ABAG") In an Amount Not to Exceed \$240,000 (PW)
Resolution 15077 - Resolution Approving and Authorizing the City Manager to Execute a Funding Agreement with Association of Bay Area Governments ("ABAG") In an Amount Not to Exceed \$240,000
- j. **Bungalow and Woodland Resurfacing Project**
Resolution Approving the Re-Designed Plans for the Lower Bungalow Roadway Section and Authorizing the City Manager to Execute a Change Order to the Construction Agreement for the Bungalow and Woodland Resurfacing Project, City Project No. 11397, with Ghilotti Bros., Inc. In the Amount of \$352,369, And Authorizing Additional Project

Contingency Funds in the Amount of \$47,631, For a Total Additional Appropriated Amount of \$400,000 (PW)

Resolution 15078 - Resolution Approving the Re-Designed Plans for the Lower Bungalow Roadway Section and Authorizing the City Manager to Execute a Change Order to the Construction Agreement for the Bungalow and Woodland Resurfacing Project, City Project No. 11397, with Ghilotti Bros., Inc. In the Amount of \$352,369, And Authorizing Additional Project Contingency Funds in the Amount of \$47,631, For a Total Additional Appropriated Amount of \$400,000

k. 2021/22 Slurry Seal Project

Resolution Awarding and Authorizing the City Manager to Execute a Construction Agreement for 2021/22 Slurry Seal Project, City Project No. 11410, to Pavement Coatings Co. In the Amount of \$1,029,500, and Authorizing Contingency Funds In the Amount of \$120,500, for a Total Appropriated Amount of \$1,150,000 (PW)

Resolution 15079 - Resolution Awarding and Authorizing the City Manager to Execute a Construction Agreement for 2021/22 Slurry Seal Project, City Project No. 11410, to Pavement Coatings Co. In the Amount of \$1,029,500, and Authorizing Contingency Funds In the Amount of \$120,500, for a Total Appropriated Amount of \$1,150,000

l. Temporary Street Closure to Support Canal Alliance Community Fair Event and Ongoing Mobile COVID-19 Vaccinations in the Canal Neighborhood

Resolution Authorizing Street Closure on Saturday, June 18, 2022 from 9 AM to 7 PM to Support Canal Alliance's Community Fair Event and Saturdays in July, 2022 for COVID-19 Mobile Vaccinations (PW)

Resolution 15080 - Resolution Authorizing Street Closure on Saturday, June 18, 2022 from 9 AM to 7 PM to Support Canal Alliance's Community Fair Event and Saturdays in July, 2022 for COVID-19 Mobile Vaccinations

m. Baypoint Lagoons Assessment District

Baypoint Lagoons Landscaping and Lighting Assessment District Annual Assessment FY 2022-23: (PW)

i. Resolution Directing Filing of Engineer's Annual Report FY 2022-23

Resolution 15081 - Resolution Directing Filing of Engineer's Annual Report FY 2022-23

ii. Resolution Approving Engineer's Annual Report FY 2022-23

Resolution 15082 - Resolution Approving Engineer's Annual Report FY 2022-23

iii. Resolution of Intention to Order Improvements and Setting a Public Hearing on the Annual Assessment for the City Council Meeting of July 5, 2022

Resolution 15083 - Resolution of Intention to Order Improvements and Setting a Public Hearing on the Annual Assessment for the City Council Meeting of July 5, 2022

n. Point San Pedro Road Median Landscaping Assessment District

Point San Pedro Road Median Landscaping Assessment District Annual Assessment: (PW)

i. Resolution Directing Filing of Engineer's 2022-23 Annual Report

Resolution 15084 - Resolution Directing Filing of Engineer's 2022-23 Annual Report

ii. Resolution Approving Engineer's 2022-23 Annual Report

Resolution 15085 - Resolution Approving Engineer's 2022-23 Annual Report

iii. **Resolution of Intention to Order Improvements and Setting a Public Hearing on the Annual Assessment for the City Council Meeting of July 5, 2022**

Resolution 15086 - Resolution of Intention to Order Improvements and Setting a Public Hearing on the Annual Assessment for the City Council Meeting of July 5, 2022

AYES: Councilmembers: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: None

SPECIAL PRESENTATIONS

6. Special Presentations:

Mayor Kate invited public comment on the two Special Presentations; however, there was none.

a. [Presentation of LGBTQ+ Pride Month Proclamation \(CM\)](#)

Mayor Kate presented the proclamation.

Lynn Murphy, Police Mental Health Outreach Provider provided comments.

b. [Presentation of Juneteenth Proclamation \(AS\)](#)

Mayor Kate presented the proclamation.

Antoinette Bullock "Tiny", Police Community Services Officer provided comments.

OTHER AGENDA ITEMS:

7. Other Agenda Items:

a. [Special Tax on Properties at Loch Lomond 10 - Mello-Roos District No. 1992-1](#)
Resolution Setting the Special Tax for Community Facilities District No. 1992-1 (Loch Lomond #10) for Fiscal Year 2022-23 (PW)

Bill Guerin, Public Works Director introduced Stephen Acker, Sr. Management Analyst presented the Staff Report.

Staff, including Al Cornwell, CSW/Stuber-Stroeh Engineering Group responded to questions from Councilmembers.

Mayor Kate invited public comment; however, there was none.

Councilmember Bushey moved and Councilmember Kertz seconded to adopt the resolution.

AYES: Councilmembers: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: None

Resolution 15087 - Resolution Setting the Special Tax for Community Facilities District No. 1992-1 (Loch Lomond #10) for Fiscal Year 2022-23

- b. [The Village at Loch Lomond Marina – Mello-Roos District No. 2](#)
Resolution Setting the Special Tax for City of San Rafael Community Facilities District No. 2 (The Village at Loch Lomond Marina) for Fiscal Year 2022-23 (PW)
Stephen Acker, Sr. Management Analyst presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment; however, there was none.

Councilmembers provided comments.

Councilmember Bushey moved and Councilmember Hill seconded to adopt the resolution.

AYES: Councilmembers: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: None

Resolution 15088 - Resolution Setting the Special Tax for City of San Rafael Community Facilities District No. 2 (The Village at Loch Lomond Marina) for Fiscal Year 2022-23

PUBLIC HEARING

8. Public Hearing:

- a. [Board and Commission Updates](#)
Resolution and Ordinance Changes to Existing City Boards and Commissions

Lindsay Lara, City Clerk presented the Staff Report.

Staff caught an inconsistency and recommended removing the recommended wording in the body and title of the Planning Commission Ordinance on page 2, under 2.16.070, where it says “commission composition” and then changing the title, “Composition of planning commission”. The new recommended wording would be:

2.16.070 – Operations of the Planning Commission.

Meeting frequency and other operations of the Planning Commission shall be set by resolution of the council.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Amy Likover, Kate Powers, Bicycle & Pedestrian Advisory Committee (BPAC), Jean Severinghaus, Susan Coleman

- i. **Resolution Amending the Bicycle and Pedestrian Advisory Committee Bylaws**

Councilmember Bushey moved and Councilmember Kertz seconded to adopt the resolution.

AYES: Councilmembers: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: None

Resolution 15089 - Resolution Amending the Bicycle and Pedestrian Advisory Committee Bylaws

ii. Pass to Print an Ordinance of the City of San Rafael Amending Title 2.16.020 Through 2.16.023 of the San Rafael Municipal Code Related to the Park and Recreation Commission

Councilmember Llorens Gulati moved and Councilmember Hill seconded to pass the Ordinance to print.

AYES: Councilmembers: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: None

Passed Ordinance No. 2010 to Print Amending Title 2.16.020 Through 2.16.023 of the San Rafael Municipal Code Related to the Park and Recreation Commission

iii. Resolution Amending the Park and Recreation Commission Bylaws

Councilmember Kertz moved and Councilmember Bushey seconded to adopt the resolution.

AYES: Councilmembers: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: None

Resolution 15090 - Resolution Amending the Park and Recreation Commission Bylaws

iv. Pass to Print an Ordinance of the City of San Rafael Amending Title 2.16.040 Through 2.16.110 of the San Rafael Municipal Code Related to the Planning Commission

Councilmember Hill moved and Councilmember Llorens Gulati seconded to pass the Ordinance to print, including modifications made by Staff.

AYES: Councilmembers: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: None

Passed Ordinance No. 2011 to Print Amending Title 2.16.040 Through 2.16.110 of the San Rafael Municipal Code Related to the Planning Commission

v. Resolution Amending the Planning Commission Bylaws

Councilmember Bushey moved and Councilmember Llorens Gulati seconded to adopt the resolution.

AYES: Councilmembers: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: None

Resolution 15091 - Resolution Amending the Planning Commission Bylaws

SAN RAFAEL SUCCESSOR AGENCY:

1. Consent Calendar: - None

ADJOURNMENT:

Mayor Kate adjourned the meeting at 8:51 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2022

KATE COLIN, Mayor